

REMARKS

Claims 28-35 remained withdrawn by the Examiner from consideration according to the final Office Action dated May 28, 2009. Claim 36 was rejected, and has been amended. Claim 36, as amended, is fully supported by the specification, for example at paragraphs [0202] – [0203], and no new matter has been added.

Claim Rejections Under 35 U.S.C. §112

Claim 36 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

According to 35 U.S.C. §112 “[t]he specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.”

It is respectfully submitted that claim 36 is fully in compliance with the written description requirement of 35 U.S.C. §112. One of skill in the art would be able to understand and practice the invention recited in claim 36, having read the specification. In particular, at least the specification paragraphs [0186] – [0200] and FIG. 2 convey to one skilled in the art that the inventors had possession of the claimed invention, contrary to the assertion of the Examiner.

Additionally, to the extent the Examiner may be alleging that details may be lacking, it is well accepted law that “a patent need not teach, and preferably omits, what is well known in the art.” *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).

According to *MPEP 706.03(c) Rejections Under 35 U.S.C. 112, First Paragraph [R-2] - 700 Examination of Applications*, for such a rejection under 35 U.S.C. §112, first paragraph to be proper: the Examiner should identify the subject matter not properly described in the application as filed *by suitable reference to page and line numbers and/or drawing figures*; and the explanation should include any questions the examiner asked which were not satisfactorily resolved and consequently raise doubt as to possession of the claimed invention at the time of

filing.

It is respectfully submitted, that in addition to the claims being in compliance with the requirements of 35 U.S.C. §112, that the Examiner has failed to establish with any degree of specificity what is lacking by reference to page number and/or drawing figures what is lacking in the specification, and to put forth any explanation as to why of one skill in the art could not make and use the systems and methods described in the aforementioned portions of the specification.

Thus, the claims are submitted to be fully in compliance with 35 U.S.C. §112.

Claim Rejections Under 35 U.S.C. §103

Claim 36 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,902,983 to Crevelt et al. ("Crevelt") in view of U.S. Patent Publication No. 2001/0031663 to Johnson ("Johnson") and further in view of U.S. Patent No. 6,012,983 to Walker et al. ("Walker").

Claim 36 is currently amended to recite “determining a tax liability for the amount won; withholding the tax liability from the amount won; and transferring the withholding to a withholding account.”

Claim 36, as amended, is fully supported by the specification, for example at paragraphs [0202] – [0203], an no new matter has been added.

It is respectfully submitted that the art of record does not teach all of the limitations of claim 36, as amended, and allowance of the claim is respectfully requested.

Information Disclosure Statement

Applicants note that the Examiner has considered all references submitted in Information Disclosure Statements dated March 25, 2009.

A Supplemental Information Disclosure Statement is being filed herewith. It is respectfully requested that this Supplemental Information Disclosure Statement be considered and the PTO Form 1449 be initialed and returned with the next Action.

CONCLUSION

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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